

Congress of the United States
Washington, DC 20515

December 4, 2023

Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Brooks-LaSure:

I write again to urge CMS to fulfill its responsibility to enforce federal law regarding the State of Texas's violation of federal Medicaid rules and obstruction of health care access. The CMS response to concerns raised by me and my colleagues has been woefully inadequate. Meaningful action has not been undertaken to hold the Abbott Administration accountable. To date, 1.4 million Texans, mostly children, have been denied access to a family physician as the Medicaid redeterminations process continues. New Medicaid applications are left sitting for months with no final determination. You should require the Abbott Administration to submit a corrective action plan to promptly come into compliance with federal timely processing requirements and follow up with careful CMS monitoring and enforcement.

As you are well aware, federal rules require disability-related Medicaid applications to be processed within 90 days and all other Medicaid applications to be completed within 45 days. In August, you reiterated these requirements to all State Medicaid Directors and gave notice that states out of compliance "may be requested to submit a corrective action plan." At the time of your letter, one in six modified adjusted gross income (MAGI) application determinations took more than 45 days, and the crisis worsened to one in five applications. By October, one in three Medicaid applications that received final determinations had been pending for more than 45 days. The lead time for an eligibility worker to even begin processing an application is now 120 days. Yet inexplicably, CMS has failed to take any effective action.

As of November, 50,000 Texans who applied prior to April 1 still await health care over seven months later. The full scope of the backlog is unknown as applications submitted after April 1 have not been included in publicly reported data. Many of these new applications are likely Texans who are eligible for help, but recently lost their health coverage due to the State's own Medicaid redetermination procedural failures.

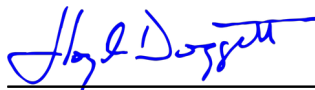
Despite having its largest budget surplus in State history, including substantial federal dollars, Texas has refused to address these backlogs and meet federal requirements. Instead of hiring a regular workforce sufficient to comply with federal law, the State has demanded 20 hours a month in mandatory overtime since October 2020. Now, the enclosed email shows the State is merely offering a raffle to entice an overburdened and demoralized workforce to put in a few more hours. A raffle can hardly hope to achieve what three years of mandatory overtime could

not. And even if this modest effort works a miracle, the State's best case plan still does not comply with Medicaid requirements. Without federal intervention, the Abbott Administration will leave thousands of Texans awaiting health care for months longer than federal rules permit.

Similar backlogs and delays from the same State agency are occurring with food assistance applications as thousands of Texans await SNAP benefits, some for over six months. At my urging, the U.S. Department of Agriculture (USDA) has rightfully stepped in and engaged the State in corrective action proceedings. Though the State's current SNAP proposal is woefully deficient, USDA has at least done what CMS has refused by sending federal officials to Texas to observe the situation and offer technical assistance. A few phone calls will not resolve these severe deficiencies. Please don't continue to be intimidated by Texas; don't join the Abbott Administration in bearing responsibility for the mistreatment of so many disadvantaged Texans who need Medicaid to access a family physician.

Please act immediately and require a comprehensive corrective action plan that ensures the timely processing of Medicaid applications. Each day of delay causes further harm to the most vulnerable and marginalized Texans, most of whom are children and communities of color. I stand ready to work with you, the State of Texas, and any willing partner to promote health equity and protect health care access.

Sincerely,



Lloyd Doggett
Member of Congress

CC: Xavier Becerra, Secretary of Health and Human Services
Daniel Tsai, Deputy Administrator and Director of Center for Medicaid and CHIP Services